

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE**

FUSION ELITE ALL STARS, SPIRIT FACTOR LLC d/b/a FUEL ATHLETICS, and STARS AND STRIPES GYMNASTICS ACADEMY INC. d/b/a STARS AND STRIPES KIDS ACTIVITY CENTER, on behalf of themselves and all others similarly situated

Plaintiffs,

v.

VARSITY BRANDS, LLC, VARSITY SPIRIT, LLC, VARSITY SPIRIT FASHION & SUPPLIES, LLC, and U.S. ALL STAR FEDERATION, INC.,

Defendants.

**Civ. Action No. 2:20-cv-02600-SHL-
atc**

DEFENDANT ALL STAR FEDERATION, INC.’S MOTION TO DISMISS

Defendant All Star Federation, Inc (“USASF”), through its undersigned counsel, and pursuant to Fed. R. Civ. P. 12(b)(6), hereby moves this Court to dismiss all claims asserted in Plaintiffs’ First Amended Complaint against USASF with prejudice for failure to state a claim upon which relief can be granted. Specifically, Plaintiffs fail to plead a plausible claim against USASF for conspiracy to monopolize under Section 2 of the Sherman Act for multiple reasons, which are set forth in more detail in USASF’s Memorandum of Law in Support submitted contemporaneously herewith.

Pursuant to Local Rule 7.2(d), movants request oral argument because they believe it will assist the Court in understanding the motion and the attendant issues and to answer any questions the Court may have.

WHEREFORE, for the reasons set forth in USASF's Memorandum of Law in Support, USASF respectfully requests that all claims asserted in Plaintiffs' Amended Complaint against USASF be dismissed with prejudice.

December 1, 2020

Respectfully submitted,

s/ Nicole D. Berkowitz

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